

Amendments to the Claims

This listing of claims will replace all prior versions and listings of claims in the present application.

1. (currently amended) An isolated DNA molecule encoding a hypersensitive response eliciting protein or polypeptide, wherein the isolated DNA molecule is selected from the group consisting of (a) a DNA molecule comprising SEQ ID NO: ~~1~~, 1 and (b) a DNA molecule encoding a protein comprising SEQ ID NO: 2, ~~(c) a DNA molecule, the complement of which hybridizes to a DNA molecule comprising SEQ ID NO: 1 under hybridization conditions comprising hybridization at 50°C for 24 hours in a solution that comprises 6X SSC and 0.5% SDS, followed by wash conditions comprising a first wash at 45°C in a solution that comprises 2X SSC and a second wash at 45°C in a solution comprising 0.1X SSC; or an isolated DNA molecule complementary to DNA molecules (a) or (b) (a), (b), or (c).~~

2. (currently amended) ~~An~~ The isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule comprising SEQ ID NO: 1.

3. (currently amended) ~~An~~ The isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule encoding a protein comprising SEQ ID NO: 2.

4. (canceled)

5. (currently amended) ~~An~~ The isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule complementary to DNA molecules ~~(a), (b), or (c)~~ (a) or (b).

6. (currently amended) An expression vector comprising the DNA molecule of claim 1 and a promoter operably coupled to the DNA molecule.

7. (currently amended) ~~An~~ The expression vector according to claim 6, wherein the DNA molecule is in sense orientation relative to the promoter.

8. (original) A host cell transformed with the DNA molecule of claim 1.

9. (currently amended) ~~A~~ The host cell according to claim 8, wherein the host cell is a plant cell or a bacterial cell.

10. (currently amended) A The host cell according to claim 8, wherein the DNA molecule is operably coupled to a promoter comprised within an expression vector.

11-39 (canceled)

40. (new) An isolated DNA molecule of an *Erwinia* pathogen, wherein the isolated DNA molecule both encodes a polypeptide that elicits a hypersensitive response in non-host plants, and hybridizes to a DNA molecule comprising the complement of SEQ ID NO: 1 under hybridization conditions comprising hybridization at 50°C for 24 hours in a solution that comprises 6X SSC and 0.5% SDS, followed by wash conditions comprising a first wash at 45°C in a solution that comprises 2X SSC and a second wash at 45°C in a solution that comprises 0.1X SSC.

41. (new) The isolated DNA molecule according to claim 40 wherein the encoded polypeptide contains an N-terminal hypersensitive response eliciting domain and a C-terminal pectate lyase-homologous domain that lacks pectate lyase activity.

42. (new) The isolated DNA molecule according to claim 40 wherein the encoded polypeptide is acidic, hydrophilic, protease sensitive, and lacks cysteine.

43. (new) The isolated DNA molecule according to claim 40 wherein the *Erwinia* pathogen is selected from the group of *E. amylovora*, *E. carotovora*, *E. salicis*, and *E. chrysanthemi*.

44. (new) An expression vector comprising the DNA molecule of claim 40 and a promoter operably coupled to the DNA molecule.

45. (new) The expression vector according to claim 44, wherein the DNA molecule is in sense orientation relative to the promoter.

46. (new) A host cell transformed with the DNA molecule of claim 40.

47. (new) The host cell according to claim 46, wherein the host cell is a plant cell or a bacterial cell.

48. (new) The host cell according to claim 46, wherein the DNA molecule is operably coupled to a promoter comprised within an expression vector.